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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 TAMECIA BROWN,

13 Plaintiff,

14 v.

15 ALBERTSON'S LLC, a foreign limited
16 liability company; DOES I through X; and
17 ROE ENTITIES I through X,

18 Defendants.

CASE NO.: 2:16-cv-01991-JAD-PAL

19 **STIPULATION AND ORDER FOR EXTENSION/MODIFICATION OF DISCOVERY**
20 **PLAN AND SCHEDULING ORDER**
21 **(SIXTH REQUEST)**

22 Plaintiff, TAMECIA BROWN, and Defendant, ALBERTSON'S, LLC, by and through its
23 undersigned attorneys, submit to the Court the following Stipulation and Order for
24 Extension/Modification of the Discovery Plan and Scheduling Order pursuant to LR IA 6-1, LR
25 26-4 (a) and Court Order Document No. 45.

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1 **I. Local Rule 6-1**

2 Under LR IA 6-1(a) every stipulation to extend time must inform the court of any previous
3 extensions granted and state the reason for the extension requested.

4 **A. The Requirement of Local Rule 6-1 Are Satisfied**

5 This is the sixth request for extension filed by the parties. This sixth extension is requested
6 in order to have Plaintiff's Rule 35 Examination completed by Defendant's expert, Hugh
7 Selznick, M.D. Upon obtaining Rule 35 Examination dates from De. Selznick, Defendant was
8 notified that Robert M. Adams, Esq., with Eglet Prince associated into this matter, and therefore,
9 Defendant was notified that Plaintiff would not be available for her Rule 35 Examination with
10 Defense Expert until March 9, 2018, after the close of the discovery, March 8, 2018. Accordingly,
11 the parties are submitting this stipulation to continue the discovery deadlines.

12 **II. Local Rule 26-4(a)**

13 Under LR 26-4 (a) a statement specifying the Discovery completed:

14 Both Plaintiff and Defendant have exchanged their initial documents and witness
15 disclosures, with supplements thereto. Plaintiff has provided responses to Defendant's written
16 discovery requests on the following dates: Plaintiff's Responses to Defendant's First Set of
17 Requests for Admissions, Plaintiff's Responses to Defendant's First Set of Requests for
18 Production of Documents, and Plaintiff's Responses to Defendant's First Set of Request of
19 Interrogatories all dated November 8, 2016. Subpoenas for Plaintiff's medical records were sent
20 out November 17, 2016. Defendant has also responded to Plaintiff's discovery requests:
21 Defendant's Responses to Plaintiff's First Set of Requests for Admissions dated November 1,
22 2016 and Defendant's Responses to Plaintiff's First Set of Requests for Production of Documents
23 and Answers to Plaintiff's First Set of Interrogatories both dated November 8, 2016.



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Moreover, Plaintiff completed the deposition of Defendant employee, John Ryan Ramirez on November 8, 2016. Plaintiff also completed the deposition of Defendant's Person Most Knowledgeable on November 10, 2016. Further, Plaintiff's deposition was conducted on December 21, 2016. Plaintiff's medical records have been subpoenaed and continue to be subpoenaed as her care continues.

The deposition of Plaintiff's Medical Expert, Dr. Nik Liu was completed on October 26, 2017. The deposition of Plaintiff's Medical Expert, Dr. Andrew Cash was partially completed on October 12, 2017 and is scheduled to be completed on November 30, 2017. The parties are continuing to complete expert depositions.

The deposition of Plaintiff's expert, Dawn Cook, R.N., was conducted on November 15, 2017. Additionally, the deposition of Defendant's Medical Expert, Kirk Mendez, M.D., was scheduled for November 15, 2017. However, Dr. Mendez failed to show for his deposition because he was called into the hospital. Further, Defendant disclosed its Spine Expert, Hugh Scott Selznick, M.D.'s Expert Report dated September 5, 2017, and his Supplemental Report dated January 22, 2018.

III. Local Rule 26-4(b)

Under LR 26-4(b) a specific description of the Discovery that remains to be completed:

1. Rule 35 Examination of Plaintiff to be performed by Dr. Selznick on March 1, 2018;
2. Continued deposition of Dr. Andrew Cash – TBD;
3. Deposition of Dr. Selznick (Plaintiff requested dates in April); and
4. Deposition of Dr. Kirk Mendez.

IV. Local Rule 26-4(c)

Under LR 26-4(c) the reasons why Discovery remaining was not completed within the time limits set by the Discovery Plan:



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1 The aforementioned discovery, with the exception of the expert depositions, was not
 2 previously completed because Albertsons, LLC requested leave of the Court to perform these
 3 tasks. Upon the Court's Order that Albertsons, LLC was permitted to disclose a Spine Expert in
 4 its case-in-chief, and to perform a Rule 35 Exam, Defendant, Albertson, LLC obtained Rule 35
 5 Examination dates and times. At the same time Defendant began obtaining Rule 35 Examination
 6 dates, new counsel for Plaintiff, Robert M. Adams, Esq., with Eglet Prince associated into this
 7 matter, and therefore, Defendant was notified that Plaintiff would not be available for her Rule
 8 35 Examination with Defense Expert is March 9, 2018, after the close of the discovery, March 8,
 9 2018.
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 12 **V. Local Rule 26-4(d)**

13 Under LR 26-4(d) a proposed schedule for completing all remains Discovery:

- 14 (i) Discovery cutoff dates: Extend the current Discovery cutoff date from March 8, 2018
 15 to a Discovery cutoff date of May 2, 2018;
 16
 17 (ii) Expert witness disclosures, for the purpose of Defendant to disclose a Spine Expert
 18 for its case-in-chief, Closed.
 19
 20 (iii) Rebuttal expert witness disclosures, for the purpose of Defendant to disclose a
 21 rebuttal expert regarding Plaintiff's future spine care, extended from February 7, 2018
 22 to April 2, 2018;
 23
 24 (iv) Submittal of the Joint Pre-Trial Order (if no Dispositive Motions are filed) to be
 25 extended from May 7, 2018 to June 7, 2018; and
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 27 (v) Final date to file Dispositive Motions extended from April 6, 2018 to May 6, 2018.
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1 Therefore, good cause existing, counsel jointly request that this Honorable Court approve
2 the above proposed extended Discovery dates.

3 DATED this ____ day of February, 2018.

4 **EGLT PRINCE**

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5
6 /s/: Joseph Troiano, Esq.

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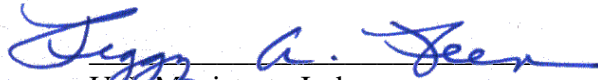
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ALBERTSON'S, LLC

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15 **IT IS SO ORDERED.**

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17 U.S. Magistrate Judge

18 Dated: March 2, 2018



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